

**REMARKS**

This is in response to the Office Action dated April 1, 2005 and the Notice of Appeal filed July 21, 2005. An RCE has been filed herewith. New claims 24-26 have been added. Thus, claims 1-6 and 18-26 are now pending.

*Claim 1*

Claim 1 requires “a sulky attached to the mower, wherein the sulky comprises a substantially vertical pivot axis structure which is aligned substantially vertical relative to the ground during normal sulky operation when the sulky trails behind the mower, wherein a foot platform of the sulky pivots relative to a front arm of the sulky about a pivot axis defined by the substantially vertical pivot axis structure; a latch assembly for receiving a protruding part of a sulky attached to the mower, the protruding part protruding from the substantially vertical pivot axis structure of the sulky, wherein the latch assembly includes a pivotal spring-biased latch having a recess defined therein, wherein the recess of the latch is adapted to receive the protruding part of the sulky when the sulky is folded up from a deployed position to a stowed position so that the latch assembly of the mower can hold the folded up sulky in the stowed position; and a butress plate located laterally forward of the latch, so that a leading portion of the substantially vertical pivot axis structure of the sulky is adapted to hit the butress plate when the sulky is moved into the stowed position with excessive force.” For example and without limitation, Figs. 3-4 of the instant application illustrate an example latch assembly 65 that receives example protruding part 87 that protrudes from the substantially vertical pivot axis structure 79 of the sulky. The foot platform and front arm 75 of the sulky pivot relative to one another about the pivot axis structure 79.

The cited art fails to disclose or suggest the aforesaid underlined portions of claim 1, either taken alone or in the alleged combination. In Herr, the rear ends of the sulky are engaged with the alleged latch 120. There is absolutely no teaching or suggestion in the cited art of a latch on a mower that is for receiving a protruding part that protrudes from the substantially vertical pivot axis structure of a sulky as required by claim 1. The cited art is entirely unrelated to this feature of claim 1.

Moreover, still with respect to claim 1, the cited art also fails to disclose or suggest “a buttress plate located laterally forward of the latch, so that a leading portion of the substantially vertical pivot axis structure of the sulky is adapted to hit the buttress plate when the sulky is moved into the stowed position with excessive force” as required by claim 1. Nothing in the cited art is even remotely related to this requirement of claim 1.

*Claim 4*

Claim 4 requires that “the protruding member extends outwardly from a normally vertical pivot axis of the sulky so as to define an angle  $\theta$  of from about 30 to 70 degrees with the vertical pivot axis of the sulky.” For example and without limitation, Figs. 3-4 (see especially Fig. 4) of the instant application illustrate a protruding member 87 that extends outwardly from a normally vertical pivot axis 79 of the sulky so as to define an angle  $\theta$  of from about 30 to 70 degrees with the vertical pivot axis 79 of the sulky. Note that the substantially vertical pivot axis 79 is also shown in Fig. 1.

The cited art fails to disclose or suggest the aforesaid underlined feature of claim 4, either alone or in the alleged combination. In particular, the alleged protruding member (element 135 of Herr) does not extend from a vertical pivot axis of Herr’s sulky, and also does not define an angle  $\theta$  of from about 30 to 70 degrees with any vertical pivot axis of a sulky. Protruding

member 135 in Herr is nowhere near the vertical pivot axis at 68, 70 in Herr, and does not define the claimed angle therewith. If anything, protruding member 135 in Herr would define an angle of 90 degrees with the vertical pivot axis 68, 70, which is well outside of the range called for in claim 4. Thus, even if the cited references were combined as alleged in the Office Action (which would be incorrect in any event), the invention of claim 4 still would not be met. There is no suggestion or motivation in the cited art for the invention of claim 4.

*Claim 24*

Claim 24 requires “a substantially vertical pivot axis structure which is aligned substantially vertical relative to the ground during normal sulky operation when the sulky trails behind the mower, wherein a foot platform of the sulky pivots relative to a front arm of the sulky about a pivot axis defined by the substantially vertical pivot axis structure; a latch assembly for receiving a protruding part of a sulky attached to the mower, the protruding part protruding from the substantially vertical pivot axis structure of the sulky, wherein the latch assembly includes a pivotal spring-biased latch having a recess defined therein, wherein the recess of the latch is adapted to receive the protruding part of the sulky when the sulky is folded up from a deployed position to a stowed position so that the latch assembly of the mower can hold the folded up sulky in the stowed position.” The cited art fails to disclose or suggest at least the aforesaid underlined portions of claim 24.

*Conclusion*

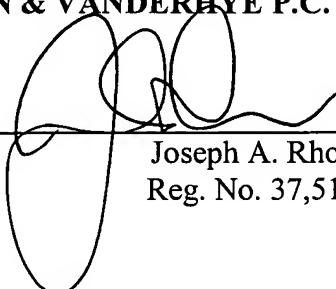
It is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

VELKE et al.  
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Respectfully submitted,

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